

Good morning Mr. Chairman and members of the Committee.

My name is Brian Hancock. I work for the Office of the Child Advocate, and am primarily responsible for the juvenile justice work that we do.

Thank you for inviting me to testify before you today on this important piece of legislation.

The problem of the overuse and misuse of detention for juveniles is long standing in New Jersey (though it is by no means unique to New Jersey). It is one our Office has taken a keen interest in, having conducted an intensive investigation into conditions for our youth in these facilities, the results of which have been embodied in a report we issued a little more than a year ago.

As I sit before you today, we continue to detain far too many, low risk youth in New Jersey. In the ten years between 1995 and 2005, juvenile crime rates have dropped precipitously. Index offense arrests of juveniles, those tracked by the FBI as part of the Uniform Crime Reports, and which consist generally of more serious offenses, fell by 47.1% and total juvenile arrests, which includes index offenses and other arrests including runaway and status offenses, fell by 31%. Despite these large decreases in the number of juveniles arrested, detention populations during that same time were reduced by only 14%, and nearly all of that reduction was evidenced between 2003 and 2004. So as crime rates have fallen to lows not seen in decades, our detention populations remain nearly as high as ever.

New Jersey is already taking steps to address this. You may be familiar with New Jersey's Juvenile Detention Alternative's Initiative, or JDAI – an enormously significant effort, funded by the Anne E. Casey Foundation and led by the Juvenile Justice Commission, which involves a long, arduous and immensely important process of coordinating local efforts to plan for and utilize detention alternatives. That process of engaging local community stakeholders in a collaborative process for taking a hard look at their detention use, and the planning involved in addressing the shortcomings and flaws in that use, is one of utmost importance – and JJC should be commended for its efforts. It takes massive amounts of time, energy, effort and commitment. All of which I have personally seen being expended by dozens of stakeholders across the state – judges, prosecutors, public defenders and the like – from Camden and Atlantic City, to Newark and Jersey City.

The bill before you today is complementary to JDAI, and is firmly rooted in JDAI principles. This bill offers the opportunity to codify into law some of the JDAI principles, making them part and parcel of our detention practice over the long-term.

While there is no magic bullet in creating an efficient and effective detention system, the bill you're now considering represents real, incremental change in that regard. Just to clarify, right now, there now exist only two reasons to detain a youth: one, if it is necessary to secure his presence at the next court hearing when he's been judged to be a "risk of flight," and two, if the youth poses a serious threat to public safety. This bill includes objective criteria so

that low-risk offenders – kids for whom jail is not necessary – will not be detained.

Based upon numbers recently compiled in the context of JDAI, we estimate that this bill will likely reduce detention admissions by 8-12%, or approximately 1200 fewer admissions to detention in a system that now admits more than 12,000 youth each year. And just to reiterate an important point, the entire group of young people no longer being held in detention will consist of *low level offenders who lack a recent history of failing to obey the court*. High risk, violent offenders - and even moderate offenders - will continue to be detained upon the determination of a judge, in accordance with the statute, that they present a serious risk to the community or detention is necessary to secure their presence. Again, this change is a part of the greater puzzle of effectively and appropriately utilizing our detention centers.

Briefly, there are two key points to emphasize about this bill and its effect on the population of detained kids: The first is an issue of pragmatism. Detention, to put it bluntly, does not work. At least not in the way many people believe it does. A growing body of evidence, based on solid research, is that detention does not reduce recidivism, in fact, it increases it. To say this more clearly, a youth who is placed in detention is more likely to commit another offense than a youth with the same age, race, locality and offense history characteristics, who is not placed in detention. This alone should lead us to be conservative in our use of detention, since by using detention we are in fact increasing the likelihood of a future crime.

The second is an issue of safety. In both 2003 and 2004, and consistent with the history of detention in New Jersey, seven of our 17 county detention centers averaged holding more youth than they were intended to hold, that is they were severely and chronically overcrowded. This is true despite the significant reduction in juveniles in detention in 2004 and the massive expansion of detention capacity across the state between 1996 and 2001, where the number of detention beds increased by more than 50% from 622 to 970. Overcrowding is not an inconvenience; it is a danger, both to the youth being held and the staff supervising them. Overcrowding leads invariably to higher rates of critical incidents including assaults and riots, higher rates of mechanical restraint and isolation, and increased suicide attempts and mental health problems. Overcrowding also opens the door to victimization of more vulnerable youth by other juveniles. When facilities of limited space house both low risk young people (like those who will be positively affected by the bill before you today), with older, more serious offenders, we place these young people in harm's way. Thus, detention centers become schools for delinquents, not places of rehabilitation or correction.

This is not a hypothetical. Recently in the Camden County Detention Center, a small and seriously overcrowded facility, there were 5 juveniles held for murder or attempted murder. **Alongside those juveniles were young people, as young as 12 years old, charged *only* with violating their probation, petty theft and receiving stolen property.** They walk the same halls, sit in the same classrooms, and play in the same gym. This story plays itself out across New Jersey, where serious and chronic juvenile offenders, who clearly ought to be in our detention centers, live side by side with young

people who commit minor offenses and who present small risk to the community.

Our Office has toured and met with staff and youth at every detention in the State, and we have seen many youth, charged with offenses like shoplifting, stealing a bicycle, fighting with parents or siblings, and other similar crimes, who have clear needs – either child welfare needs because they have no home to return to, or mental health needs because they suffer from a serious and diagnosable disability. Yet these youth remain in detention primarily because we do not say this is an inappropriate and improper use of our most secure facilities; the very same facilities where we house serious juvenile offenders, murderers, robbers and rapists. This bill begins the process of saying this practice must end.

Thank you for allowing me to testify on behalf of this bill today. Your support demonstrates a positive and constructive desire to improve the way we handle our troubled and at risk youth. The bill sends the message that we can and must make better choices about who we detain, because the effects of detention are felt by all of us. THANK YOU.